## APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60346
Summary Calendar

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

versus

PHILLIP McCRANIE,
Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:98-CR-84-B-D

[Filed: April 3, 2000]

Before JONES, DUHE, and STEWART, Circuit Judges.

PER CURIAM:[1]

Phillip McCranie pleaded guilty to receiving visual depictions of minors engaged in sexually explicit conduct that had been transported in interstate commerce by computer. McCranie appeals the district court's denial of his motion to suppress. He argues that the affidavit in support of the search warrant executed on his residence included deliberately false or recklessly misleading statements made in an attempt to induce the magistrate judge to issue a warrant on facts which did not give rise to probable cause.

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[1] Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Even if it is assumed that the statements to which McCranie objects were recklessly made material misstatements, a common-sense reading of the remaining portion of the affidavit was sufficient to establish probable cause to believe that McCranie's residence (more specifically, his computer) contained evidence of child pornography. *See United States v. Alvarez,* 127 F.3d 372m (sic) 373 (5th Cir. 1997); *United States v. Polk,* 118 F.3d 286, 296 (5th Cir. 1997); *United States v. Brown,* 941 F.2d 1300, 1302 (5th Cir. 1991). Accordingly, the district court's denial of the motion to suppress is AFFIRMED.